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March 31, 2025
U.S. Environmental Agency
Via email to: airaction@epa.gov

Re: Request for Presidential Exemption: National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review: Oklahoma Gas and Electric Company, Sooner Unit 1 and Sooner Unit 2 (ORIS 6095), Muskogee Unit 6 (ORIS 2952), River Valley Common Stack CS 1 (ORIS 10671)

Oklahoma Gas and Electric Company ("OG&E") appreciates the opportunity to provide this recommendation and respectfully requests that EPA consider and grant the exemption requested below. OG&E is an Oklahoma Corporation and a wholly-owned subsidiary of OGE Energy Corp. with plant, property, and other assets dedicated to the production, transmission, distribution, and sale of electric energy to approximately 907,000 wholesale and retail customers in Oklahoma and western Arkansas, other electric utility companies, municipalities, rural electric cooperatives and other market participants. OG&E owns and operates approximately 6,921 MW of generation capacity, including four electric generating units that are subject to requirements established under the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units Review of the Residual Risk and Technology Review, commonly referred to as the Mercury and Air Toxics Standards ("MATS Rule"), codified at 40 C.F.R. Part 63, Subpart UUUUU.

Summary of Request

As provided for in Clean Air Act Section 112(i)(4), OG&E is requesting a two-year exemption from compliance with the MATS Rule. We believe that required technology will not be available for the four OG&E coal-fired electric generating units ("EGU") listed below and that an exemption is in the national security interests of the United States.

Emissions standards or limitation subject to the request: 40 C.F.R. Part 63, Subpart UUUUU – EPA's final rule amending the National Emission Standards for Hazardous Air Pollutants ("NESHAP") for coal- and oil-fired electric utility steam generating units ("EGUs") — i.e., the Mercury and Air Toxics Standards ("Final Rule"), 89 Fed. Reg. 38,508 (May 7, 2024).

Facilities affected - the following four EGUs:
Sooner Unit 1 and Sooner Unit 2 (ORIS 6095)
Muskogee Unit 6 (ORIS 2952)
River Valley Common Stack CS 1 (ORIS 10671)

Length of Compliance Period Requested: Two years, to July 6, 2029

Background

Before revision in 2024, the MATS regulation allowed compliance to be demonstrated with quarterly reference method testing, which was OG&E's method of choice for many years. This methodology involves mobilizing a crew of individuals to extract from each MATS-affected EGU a sample of exhaust gas for analysis to determine its PM concentration for comparison with the emission standard.

The Final Rule now requires that compliance be demonstrated only with a particulate matter continuous emission monitoring system ("PM CEMS") for each of the four units Ex. 4 CBI

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Ex. 4 CBI As EPA acknowledged in the Fact Sheet[1] accompanying the Final Rule, approximately two-thirds of the existing coal-fired generating fleet will need to install PM CEMS in the next 24 months. Ex. 4 CBI

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[1] U.S. EPA, Fact Sheet, *EPA's Final Rule to Strengthen and Update the Mercury and Air Toxics Standards for Power Plants*, at 2 ("As noted above, the final rule also requires that existing coal- and oil-fired EGUs utilize CEMS to demonstrate compliance with the fPM emission standard. EPA estimates that approximately two-thirds of the existing coal-fired generating fleet are not currently utilizing PM CEMS.", available at https://www.epa.gov/system/files/documents/2024-04/fact-sheet_mats-rtr-final_rule_2024.pdf.

An Exemption is in the National Security Interest

President Trump has indicated in recent Executive Orders that "current inadequate development of domestic energy resources," "insufficient energy production, transportation, refining, and generation," "ensuring that an abundant supply of reliable energy is readily accessible," and "high energy costs" all relate to national security interests.

National security interests are specifically called out in two Executive Orders.

- Section 1 of Executive Order 14154: Unleashing American Energy, "regulations...have limited the generation of reliable and affordable electricity...while weakening our national security."[2]

- Section 1 of Executive Order 14192: Unleashing Prosperity Through Deregulation, "It is the policy of my Administration to significantly reduce the private expenditures required to comply with Federal regulations to secure America's...national security..."[3]

The four electric generating units addressed in our request operate regularly to provide reliable electric generation and critical electric grid support in Oklahoma and throughout the central U.S. As a member of the Southwest Power Pool ("SPP")[4], OG&E provides affordable electricity into the SPP Integrated Marketplace, which is widely recognized as highly economic.[5]

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[2] Executive Order 14154, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Jan. 29, 2025).

[3] Executive Order 14192, *Unleashing Prosperity Through Deregulation*, 90 Fed. Reg. 9065 (Jan. 31, 2025)

[4] The Southwest Power Pool is a regional transmission organization (RTO): a nonprofit corporation mandated by the Federal Energy Regulatory Commission to ensure reliable supplies of power, adequate transmission infrastructure and competitive wholesale electricity prices on behalf of its members.

[5] The Integrated Marketplace launched in 2014, replacing the Energy Imbalance Service (EIS) market. It includes a day-ahead market with transmission congestion rights, a reliability unit commitment process, a real-time balancing market replacing the EIS market, and the incorporation of price-based operating reserve procurement. SPP's own analysis showed its markets provide participants with net savings of $744.3 million annually.

Ex. 4 CBI Therefore, an exemption from compliance would be in the national security interest.

Adoption by Reference

OG&E's parent company, OGE Energy Corp., is a member of the Class of '85 Regulatory Response Group ("Class of '85"). OG&E adopts by reference Class of '85's recommendations on the need for a two-year Presidential Exemption from compliance with EPA's Final Rule.

If you have questions or need further information, please do not hesitate to contact me.

Robert F. Benham
Director, Environmental Operations
Oklahoma Gas and Electric Company